What we did was, we called ourselves simplifying it by stating "The Governor may appoint members of Boards and Commissions with advice and consent of the legislature. Term of the office and procedure of removal of such members --"

CHAIRPERSON HARRIS: Before we go that far, Delegate Simmons, we have Section A and the minority report, which should be --

DELEGATE SIMMONS: No, I did not go --

CHAIRPERSON HARRIS: Oh, I thought you went to term of office.

DELEGATE SIMMONS: No, I did not go that far.

CHAIRPERSON HARRIS: I'm sorry.

VOICE: You interrupted her before she finished.

CHAIRPERSON HARRIS: Didn't you finish?

DELEGATE SIMMONS: Yes, I did. I read the whole thing. I was just explaining it when --

CHAIRPERSON HARRIS: All right, Delegate Corn, will you please present the minority report.

[There is a request for a rereading and Delegate Simmons complies.]

DELEGATE KAMENY: Is a question in order at this time or later?

CHAIRPERSON HARRIS: Let me let her read the first

line again because Delegate Shelton wants it repeated.

DELEGATE KAMENY: Will you let me know when a question is in order?

DELEGATE SIMMONS: Yes.

DELEGATE CORN: Look, I have a minority report.

DELEGATE KAMENY: I am merely trying to establish when I may ask a question.

CHAIRPERSON HARRIS: Delegate Simmons, will you read that line again?

DELEGATE SIMMONS: "The Governor may appoint members of Boards and Commissions and heads of principal departments with the advice and consent of the legislature.

"The term of the office and procedure of removal of such members shall be as prescribed by the Constitution or by law."

CHAIRPERSON HARRIS: Okay, thank you. If you followed Delegate Simmons, she clarified the language in section 9, Boards and Commissions, subsection A, which now reads [repeats as above.]

The minority report shall now be read for subsection A. Delegate Corn.

DELEGATE CORN: First let me ask, does everybody have a copy of the minority report? If you don't, please put

up your hands.

VOICE: Oh, can we please just get on with this?

CHAIRPERSON HARRIS: Let them share the report next to them, Gloria Corn.

DELEGATE CORN: My minority report is a substitute for sections 9 and 10.

DELEGATE SHELTON: You can't do a report on two sections.

DELEGATE CORN: Well, they are taken together because --

CHAIRPERSON HARRIS: You have to read, Gloria Corn, 9-A which is your line 6, 7 and 8.

DELEGATE CORN: Excuse me, Madam Chair, but when you do an entire substitute for an entire section, the whole thing -- the whole minority report is considered together, either ad seriatim or in a whole.

CHAIRPERSON HARRIS: We are doing ad seriatim so will you please read section A?

DELEGATE CORN: Okay. Boards and Commissions.

"By constitutional decree, Boards and Commissions shall be established as follows:

"A. Any Board or Commission deemed necessary may be established either by two-thirds affirmative vote of the

legislature or by the Governor's request and a majority affirmative vote of the legislature or by this Constitution."

The idea behind that first one is that the Governor, in order to pay back all his political favors just cannot keep going on and creating 40 to 50 million boards and commissions, whatever suits his fancy or whim.

This way, there has to be a logical reason to do it. It is either in the Constitution, the legislature deems it absolutely necessary or the Governor and a majority of the legislature --

CHAIRPERSON HARRIS: Is there a second for that proposed amendment?

DELEGATE CORN: It means that -- it means --

CHAIRPERSON HARRIS: Is there a second?

DELEGATE CORN: You second it. You --

CHAIRPERSON HARRIS: It dies for -- now, you can't turn around and tell anybody to second --

It fails for lack of second. Thank you, Delegate Corn, back to --

DELEGATE CORN: May I -- wait a minute --

CHAIRPERSON HARRIS: -- Section 9-A as Heads of Departments. Delegate Simmons, will you please take the floor?

DELEGATE CORN: Wait a minute. Mine goes on

further about --

CHAIRPERSON HARRIS: You are through with Section A. When we get --

DELEGATE CORN: No, I am not.

CHAIRPERSON HARRIS: -- to Section B, we shall call you.

VOICE: The Delegate is out of order.

DELEGATE CORN: No, because my other B's and C's go on with how the members shall be chosen and how the chairs will be chosen.

DELEGATE SHELTON: [Inaudible.]

DELEGATE CORN: Yes and my B and C go on still under A.

SEVERAL VOICES: Point of order.

DELEGATE SIMMONS: She is correct. She is talking --

CHAIRPERSON HARRIS: But Section C is part of her Section A.

DELEGATE SIMMONS: Right.

CHAIRPERSON HARRIS: So maybe she should read B and C. And maybe D.

VOICE: Don't let her get started. We will be here all night.

DELEGATE CORN: B --

CHAIRPERSON HARRIS: Why don't you read B, C and D?

DELEGATE CORN: B. All -- [raps for attention.]

CHAIRPERSON HARRIS: Delegate Corn, after you read it, will you please wait for a second before you go into discussing it or explaining it? Proceed.

DELEGATE CORN: B. All Chairs of all Boards and Commissions shall be chosen by the Governor with majority ratification by the legislature.

DELEGATE SHELTON: Point of order. I would greatly appreciate it if you would explain to Delegate Corn that we have just ruled out the appointment of Boards and Commissions in A. How can we then rule on a section that --

CHAIRPERSON HARRIS: But it is proper for her to read it. If you --

DELEGATE CORN: It can be done. Would you like me to tell you how?

CHAIRPERSON HARRIS: No, you don't explain it. Just read it.

DELEGATE CORN: I think, Madam Chair, I think that Delegate --

CHAIRPERSON HARRIS: Please read it, Delegate Corn.

DELEGATE CORN: B. "All chairs of all Boards and Commissions shall be chosen by the Governor with majority

ratification by the legislature."

CHAIRPERSON HARRIS: Go on to C.

DELEGATE CORN: C. "All other members of Boards and Commissions shall be chosen by the legislature with an affirmative vote of two-thirds of the legislature."

CHAIRPERSON HARRIS: And D.

DELEGATE CORN: D. "Any Board or Commission chair or member may be removed from office upon the request of the Governor and a majority affirmative vote of the legislature or by two-thirds vote of the legislature."

CHAIRPERSON HARRIS: Okay. Delegate Corn has read her Section 9, Boards and Commissions, A. B. C and D.

Please -- may I have your attention? Is there a second for that amendment?

DELEGATE BRIAN MOORE: Second.

[The motion is made and seconded.]

CHAIRPERSON HARRIS: It has been properly seconded by Delegate Brian Moore. Discussion on the amendment, A through D.

DELEGATE CORN: Now I would like to defend my position.

CHAIRPERSON HARRIS: Please time her. Yes.

Delegate Corn, you have the floor.

DELEGATE CORN: I would never know I have the floor. [Raps for order.] The reason for this position is that the way the Governor cannot arbitrarily pick friends, political cronies, political supporters to be on boards and commissions and to chair them. They have to be the kind of people who will contribute significantly to these Boards and Commissions and that is why they need the ratification of the legislature to be appointed for the chairs and then the legislature has the right to put in its people for the other members of these boards and commissions and that is why, upon removal, it again cannot be by the whim of the Governor.

It has to be a very well-thought-out reason and enough people have to agree to it, on the legislature.

CHAIRPERSON HARRIS: Further discussion on the motion? Thank you, Delegate Corn. Delegate Eichhorn, Barnes, then Talmadge Moore.

DELEGATE EICHHORN: I'd like to know why Delegate Corn --

SEVERAL VOICES: Can't hear you.

DELEGATE CORN: Let's put it like this --

CHAIRPERSON HARRIS: Delegates, please, a question was asked of Delegate Corn and we shall let her answer.

DELEGATE BRIAN MOORE: Could you repeat the

question, please?

DELEGATE EICHHORN: I would like to know why Delegate Corn thinks the friends, relatives and political cronies of the legislators are going to be all on the Boards of the Governor. Why would they be more qualified?

DELEGATE CORN: I don't think they are more qualified That was not the thrust of the motion.

SEVERAL VOICES:

DELEGATE CORN: No, that is not. What the situation is, is when you have 24 or 32 legislators coming from different sections of the city, obviously, they are not going to be the friends and cronies of all of them or even a majority. Therefore, the only way they are going to be ratified is if they really have qualifications.

For instance, let's say this was a legislative body with 32 of us --

CHAIRPERSON HARRIS: Delegate Barnes.

DELEGATE BARNES: Yes. I am strongly against this motion being made for the following reasons. The Committee on Economic Development spent a lot of time developing detailed Boards and Commissions for specific functions. The members on those Boards and Commissions, for each different Commission, were selectively chosen; for example, on our Public Utility

Commission, .....for each citizen must be on the Board [overridden by loud conversations] ...representatives of the Utilities, three representatives of something else.

This motion will totally obliterate that.

DELEGATE CORN: Excuse me, Delegate --

CHAIRPERSON HARRIS: Delegate Corn, he can manage alone.

DELEGATE BARNES: This motion will obviate other sections of the Constitution so I urge you to vote it down.

DELEGATE CORN: Delegate Barnes, you --

CHAIRPERSON HARRIS: Delegate Corn, you are out of order.

DELEGATE CORN: I would like to respond to that.

CHAIRPERSON HARRIS: Delegate Talmadge Moore.

DELEGATE CORN: Point of order, Madam Chair, point of order, Madam Chair --

CHAIRPERSON HARRIS: You are being disruptive.

DELEGATE CORN: Point of order, Madam Chair --

CHAIRPERSON HARRIS: Delegate Talmadge Moore. You may come up and take the mic so the court reporter can hear you. Thank you.

DELEGATE CORN: Point of order, point of order.

CHAIRPERSON HARRIS: You are out of order.

Not you. Delegate Moore.

DELEGATE TALMADGE MOORE: I speak in opposition to the motion simply because I think the Governor should be able to make certain appointments. I think it may be political, as you say, but I think he deserves that.

The party who wins, I think the Governor should have that exercise of power to select the personnel he wants to serve on these various Commissions and Boards and I do not think it should be restricted and I don't think it should be restricted by the legislature. I think he should have that freedom.

CHAIRPERSON HARRIS: Thank you, Delegate Talmadge Moore. Delegate Barbara Simmons.

DELEGATE SIMMONS: I just wanted the Chair to know of my opposition to this motion. Implicit in the rationale for it is to suggest that ipso facto, a perfectly respectful, respectable, able person -- the minute they get the title of Governor, somehow only have friends who are of ill repute and are cronies and are without talent, creativity, administrative ability and competence and I think that that is outrageous, just utterly ridiculous and the reality of the democratic process in this country has been and the tradition is clearly -- and it is what we have got right now in your Party in the

Federal Government --

DELEGATE CORN: Point of personal preference --

DELEGATE SIMMONS: -- clear down to even secretaries at the GS-7 level because they are political friends and cronies of what is now the party in power and people in your lap and we are all being trickled down on as a result of that and I submit that a Governor of the State elected by --

[Overridden by laughter and loud applause]

DELEGATE SIMMONS: Wait, I'm not finished and --

DELEGATE CORN: Time.

DELEGATE SIMMONS: He is not keeping the time. I have been keeping the time myself and I am not through.

DELEGATE CORN: You had two minutes.

CHAIRPERSON HARRIS: But we are not timing it, anyway.

DELEGATE SIMMONS: But I think it is important that we understand that Governors, when they have been charged with responsibility for the execution of the government are going to have some responsibility and especially since we are not completely unreasonable, we are saying, we are saying, with the advice and consent of the legislature so I think that if Delegate Corn had attendedmore than four out of the 16 meetings she would not be --

DELEGATE CORN: Oh, that is not true.

CHAIRPERSON HARRIS: That is out of order, Delegate Simmons.

[Disturbance on the floor.]

CHAIRPERSON HARRIS: Delegate Corn -- well, I must admit I recognized three other people. Let me review something and that is, the motion on the floor has received three noes. Are there any people who would like to speak in favor of it? Delegate Jordan.

DELEGATE JORDAN: Madam Chair, I rose on a point of order earlier and you recognized Delegate Moore. I just want to make a point clear. Our sections do not provide for those who present minority reports. I mean, our rules don't provide for those who present minority reports to present those reports and debate them.

Now, Section 3.2 of our Rules are guiding or require or explain what we are to do and it does not give to the proponent or the maker of a minority report any right to debate an issue on this floor.

It says that "If delivered on time minority proposals shall be transmitted to the President along with the committee's proposal and shall accompany the committee proposal thereafter." So that I did not know that there were any

special rights --

DELEGATE CORN: Just a second --

CHAIRPERSON HARRIS: Delegate Jordan, in the section you just read, that the minority report may be offered as an amendment to or a substitute for the committee's proposal, we have to discuss it in order to dispose of it.

DELEGATE JORDAN: What I am saying is that there is just not any provision here for any extended debate and I do not think that delegates who present minority reports, be they singular or plural -- a delegate or delegates who present minority reports, can exceed the time limits that we have established and that is what is happening here.

CHAIRPERSON HARRIS: Well, Delegate Cooper was keeping time, I think, until we --

DELEGATE JORDAN: Well, that is a point of order, Madam Chair, because if they are going to present an amendment which is what it is to be treated as, then they must follow the rules.

CHAIRPERSON HARRIS: Thank you. Your point is well-taken. Is there anyone who would like to speak for the amendment? We have four against. Does anybody want to speak for it? Delegate Rothschild.

DELEGATE ROTHSCHILD: I would like to ask a question,

too. Yours -- the majority report spoke to a point ahead. Yours speaks to establishing the Commissions.

Am I correct? Are they different in that regard?

DELEGATE CORN: There is a difference in regard to the establishment. Under the majority report, the Governor has the sole discretion to establish commissions.

Under my minority report, there are three different ways the Commission can be established and then B, C, and D deal with the appointment of the chairs when --

CHAIRPERSON HARRIS: You are going too far, now, I think.

DELEGATE CORN: I am answering his question.

CHAIRPERSON HARRIS: I think you answered his point earlier. Now, would you like to speak for the amendment?

DELEGATE ROTHSCHILD: Briefly, I was trying to understand A. In other words, A is just for the establishment of a commission. Are we dealing with this ad seriatim or all together?

CHAIRPERSON HARRIS: Ad seriatim. But her B, C and D was somewhat incorporated in the committee's A.

DELEGATE ROTHSCHILD: Okay. Well, could I ask the maker of the motion, would the maker of the motion agree to two-thirds of the vote being changed to a majority vote?

[Committee indicates assent.]

DELEGATE ROTHSCHILD: In that case, I would definitely like to speak for A because we are talking about the establishment of the commission and I think that by having some legislative oversight -- we are not talking about who is appointed to the commission there, just the establishment. Am I correct? Maker of the motion? Yes?

DELEGATE CORN: Actually, what this does --

CHAIRPERSON HARRIS: Wait a minute, are you supporting the motion?

DELEGATE ROTHSCHILD: Yes, I am supporting A that is the establishment of authority and commissions should be reviewed by the legislature by a majority vote.

CHAIRPERSON HARRIS: You are supporting A of the minority report.

DELEGATE NAHIKIAN: But A did not have a second.

SEVERAL VOICES: Yes it did. No it didn't.

DELEGATE CORN: B, C, and D had a second.

VOICE: We don't have a quorum.

DELEGATE SIMMONS: A died for lack of a second.

CHAIRPERSON HARRIS: Is there anybody else who would like to speak for the motion?

DELEGATE CORN: I move the previous question.

CHAIRPERSON HARRIS: You have already spoken for the motion.

DELEGATE CORN: Under the Rules it says --

CHAIRPERSON HARRIS: You are out of order.

DELEGATE CORN: Madam Chair, under the Rules, it says that the maker of the motion may speak last -- point of order -- may speak last in debate. I wish to do so.

CHAIRPERSON HARRIS: Okay. You have already spoken twice for it. We understand your position.

DELEGATE CORN: No, I would like to answer some of the charges that wer reaised her.

CHAIRPERSON HARRIS: You have answered them, Gloria.

DELEGATE CORN: And I may speak last in debate.

CHAIRPERSON HARRIS: You have spoken.

DELEGATE KAMENY: We haven't come to that yet.

DELEGATE LOVE: Delegate Corn is out of order. Unless she wants to appeal the ruling of the Chair, please keep her quiet and maintain decorum, Madam Chair.

CHAIRPERSON HARRIS: We are now voting on Section D --

DELEGATE CORN: Point of order --

DELEGATE JONES: You are out of order.

DELEGATE MAGUIRE: You are out of order, Gloria.

DELEGATE CORN: Point of order, point of order.

DELEGATE JONES: If she is going to keep on acting like that, put her out, put her out.

CHAIRPERSON HARRIS: All in favor of the motion before us, please raise your hands. Please count, Mr. Cooper.

[There is a raising of hands.]

All who are opposed. Abstentions.

[26 are opposed.]

Okay, the amendment of Gloria Corn fails. Back to Delegate Simmons with subsection B, terms of office.

DELEGATE SCHRAG: I have had my hand up for some time waiting to be recognized.

CHAIRPERSON HARRIS: I am sorry, Delegate Schrag.

DELEGATE SCHRAG: Delegate Simmons, as you read it in your final version which you read, you included the words, "As heads of principal departments." Now --

DELEGATE SIMMONS: That was an error.

DELEGATE SCHRAG: How should it read, then?

DELEGATE KAMENY: Yes, please, that bothered me as well.

DELEGATE SIMMONS: The Governor -- this is A -- "The Governor may appoint members of Boards and Commissions with the advice and consent of the legislature. The term of office and procedure of removal of such members shall be as

prescribed by this Constitution or by law."

DELEGATE SCHRAG: So my question, Delegate Simmons, is, would it be acceptable to you, since you are not including that language, to change the heading on this subsection to "appointments" instead of as you have defined it?

DELEGATE SIMMONS: Yes.

CHAIRPERSON HARRIS: So now it just becomes "appointments?"

DELEGATE SIMMONS: Appointments, underlined, because it is under Boards and Commissions.

CHAIRPERSON HARRIS: Delegate Coates.

DELEGATE COATES: I understand how difficult it is, under these very trying circumstances but my question is directed to the committee and it is to inquire as to, does not the rationale with respect to principal departments of government apply with respect to the possible proliferation of boards and commissions?

If you did consider that, what is the position of the committee on this point?

DELEGATE SIMMONS: Yes, Delegate Coates, we certainly did and that is why you will find that in section C and D we provided very specifically some temporary commissions and for professional boards.

Our reasoning was that A, we -- in the principal departments, we thought -- we really carefully considered that all of the functions could be fulfilled within those 20.

However, there could be specific need for short-term kinds of commissions and so we put them in as temporary because as you know, that is 'way less costly than establishing on ad finitum a regular commission and board that has a life that goes forever so we established temporary commissions with two-year life and then professional boards that would be those licensing kinds of boards and insisted that they perform that function and therefore be qualified by being a member of the trade or occupation for which they would be licensed.

DELEGATE COATES: Madam Chair, if I understand correctly, then the definition of principal departments is inclusive of boards and commissions.

DELEGATE SIMMONS: Yes. Well, wait a minute. Principal departments that -- no, it does not have to be. It can be but it does not have to be. Yes. I think that is the accurate way to respond to that; can but not necessarily has to be.

DELEGATE COATES: With the indulgence of the Chair -- so that we could define a board or a commission as being principal and thus it would count toward the 20 limit that we adopted.

DELEGATE SIMMONS: No, because it does say departments. And department heads are different than Boards and Commissions.

DELEGATE COATES: Well, there is no limit on the number of boards and commissions that a Governor would appoint with the advice and consent of the legislature.

DELEGATE SIMMONS: Yes, that is correct. But remember appointments are on-going and commissions can be temporary in their life.

CHAIRPERSON HARRIS: Delegate Kameny I think is next. May I say that when a question is asked and it is answered, can we kindly cut off debate so that we can move on and get through with this section tonight? And elaborate as little as possible?

DELEGATE SIMMONS: Yes, there isn't anybody here who wants to move on more that I do.

CHAIRPERSON HARRIS: Delegate Eichhorn.

DELEGATE EICHHORN: I just wonder if the committee considered the number of boards and commissions that exist. I think there may be several hundred.

DELEGATE SIMMONS: Yes, we did and there are 104 that I know of.

DELEGATE KAMENY: There are about 154, roughly.

DELEGATE EICHHORN: I am concerned about the proliferation of boards and commissions and I wonder if you have considered the "Sunset Provision"?

DELEGATE SIMMONS: We did not.

DELEGATE EICHHORN: That would require the legislature and the Governor to recreate every four years looking at the expenditures and --

MANY VOICES: [Impossible to transcribe.]

CHAIRPERSON HARRIS: Delegates, please --

DELEGATE SIMMONS: Let's just deal with the practicality of that. You know, let's just say that you have a real long legislature -- legislative session, 180 days, and if you are going to review 150 of those every four years --

You know, there is not any question that I think it is something that needs to be done but I think it has to be provided for in the Constitution.

CHAIRPERSON HARRIS: Delegate Simmons, will you please now move section 9, subsection A, appointments?

DELEGATE SIMMONS: Okay. Section 9, subsection A, Boards and Commissions, Appointments. I move the adoption of this subsection as amended.

The motion is made. There are several seconds.]

CHAIRPERSON HARRIS: All in favor, let it be known

by saying aye.

[There is an almost unanimous chorus of ayes.]

All opposed. Abstention.

[Motion passes.]

So moved. May we go to section 9 B, terms of office? Since you have already read that, Delegate Simmons, may we listen to the minority report by Delegate Corn on Subsection E, line 13. Only E, I think.

DELEGATE CORN: There is only one difference. It is verbatim the same for the first three lines but the difference with the minority report -- between it and the majority report -- is that after the word "within this Constitution" in the majority report, I add, "or except by reappointment following the procedure herein outlined," which --

CHAIRPERSON HARRIS: Is there a second?

DELEGATE CORN: -- the idea behind that is --

CHAIRPERSON HARRIS: Wait, Delegate Corn. Let's hear a second, first.

[The motion is made and there is a second.]

CHAIRPERSON HARRIS: It has been moved and seconded that the first three lines are different.

Question on the minority report.

DELEGATE KAMENY: Since your earlier sections,

Delegate Corn, since your earlier sections were not adopted, does not the phrase "following the procedure herein outlined" have become meaningless?

DELEGATE CORN: No, I was say that since A through E was not adopted, the line, "except by reappointment" should be included but I would strike the words, "following the procedure herein outlined."

DELEGATE KAMENY: Yes, that would make sense, since there was no procedure outlined.

DELEGATE CORN: Since there was no procedure but I would say, "or except by reappointment" because without that --

CHAIRPERSON HARRIS: What are you saying? Are you saying to strike -- okay, I see.

DELEGATE CORN: So it would read now, "Terms of office. Terms of office on any Board or Commission created or enlarged after the effective date of this Constitution shall not exceed four years except as otherwise authorized within this Constitution or except by reappointment." Otherwise, it --

CHAIRPERSON HARRIS: Wait, Delegate Corn. Is there --

DELEGATE CORN: There was a second.

CHAIRPERSON HARRIS: There was a second. Discussion, please. Delegate Long.

DELEGATE LONG: The wording is irrelevant and

immaterial and adds nothing. The term is four years, so the term is four years. The Constitution is silent on reappointment and it can be taken up by the legislature.

CHAIRPERSON HARRIS: Is there further discussion on the amendment? Delegate Barnes --

DELEGATE CORN: I want to speak to my motion.

DELEGATE CROFT: Point of order, she has already spoken to her motion.

DELEGATE BARNES: I move the previous question.
[Previous question called. There is a second.]
DELEGATE CORN: Point of order, Madam Chair, under the Rules, the maker of the motion may speak last in debate.

DELEGATE CROFT: Point of order, it says --

DELEGATE CORN: May speak last in debate --

DELEGATE CROFT: Point of order, the word is "may" not shall.

DELEGATE CORN: That is right. That is what I said. And I would like to speak to my own motion.

DELEGATE JORDAN: May is suggestive, not directive.

DELEGATE CROFT: And besides, the previous question has been called and seconded.

DELEGATE CORN: Two did not speak for and two against and I wish to speak for my motion.

CHAIRPERSON HARRIS: What might be proper here is

to have a motion to close debate and Ms. Corn could be the last speaker.

VOICE: We've had that motion.

DELEGATE BARNES: I called the question.

CHAIRPERSON HARRIS: So all in favor of closing debate on section E of the minority report, please signify so by saying aye.

[There is a loud chorus of ayes.]

All opposed?

[Two are in opposition.]

Abstention?

[No abstention. Debate is closed.]

CHAIRPERSON HARRIS: Gloria Corn.

DELEGATE CORN: All right, the reason I would put in this, "except by reappointment" is because otherwise, it --

DELEGATE LOVE: Point of order. We voted to close debate.

DELEGATE CORN: That is right and I still speak --

DELEGATE LOVE: You don't need to speak.

Madam Chair, point of order. She does not answer. When people are talking to the Chair, spare us her response, please.

CHAIRPERSON HARRIS: Thank you, Delegate Love.

Did you hear that, Delegate Corn?

DELEGATE CORN: Yes, I got that.

CHAIRPERSON HARRIS: Thank you.

DELEGATE CORN: Now, may I speak to my motion?

DELEGATE BARNES: We voted to close debate.

CHAIRPERSON HARRIS: Delegate Barnes, we voted to close debate so that Delegate Corn could be the last one to speak on her motion and then we are through.

DELEGATE BARNES: All right, that is the prerogative of the Chair. I accept it.

CHAIRPERSON HARRIS: Delegate Corn.

DELEGATE CORN: If you exclude the words, "or accept by reappointment," constitutionally, there is no way, once somebody has served on it one term on a board, they never can serve again. They cannot be reappointed. Unless it is spoken to somewhere else in this Constitution, I do not believe it will be. So I urge you to vote this up.

CHAIRPERSON HARRIS: Thank you, Delegate Corn.

All of those in favor of the Corn minority amendment, E, please let it be known by saying aye.

[Only Delegate Corn votes aye.]

Opposed.

[There is a loud chorus of nay.]

Abstention.

[No abstention. Motion fails.]

So carried. Delegate Simmons.

SEVERAL VOICES: It failed. It was defeated.

CHAIRPERSON HARRIS: So defeated. Delegate Simmons, will you please move subsection B, terms of office.

Delegate Corn, we are through with you at this point. Please go back to your seat.

DELEGATE SHELTON: I want to say that I have noticed that several people have been seconding motions and when it comes time to speak for those motions or to vote for them, they are not voting. I just wanted to make that observation.

CHAIRPERSON HARRIS: Very well-taken.

Delegate Simmons.

You have -- no --

DELEGATE CORN: I want to finish my minority report.

CHAIRPERSON HARRIS: You have finished the section that pertains to terms of office. We are now to the Committee's report. You --

DELEGATE CORN: But I have not finished my minority report.

CHAIRPERSON HARRIS: Please leave the microphone to Delegate Simmons.

DELEGATE CORN: But I have not finished my minority report. And this is not in her report.

CHAIRPERSON HARRIS: Delegate Simmons, Term of office.

DELEGATE SIMMONS: "Term of office"-- if you would turn to Office, B,"on any board or commission created or enlarged after the effective date of this Constitution shall not exceed four years except as otherwise authorized in this Constitution. The term of office on existing boards and commissions which are no longer than four years shall not be further extended." I think that the --

[Discussion unrecognized by Chairperson as to use of word "no" or"not."]

CHAIRPERSON HARRIS: Is there a second?

[The motion is made. There is a second.]

CHAIRPERSON HARRIS: It has been moved and properly seconded that we adopt subsection B, terms of office.

Discussion, please. Delegate Nahikian.

DELEGATE NAHIKIAN: Madam Chair, I would like to make a substantive motion to strike all of section 9.

VOICE: What?

DELEGATE CORN: Second.

[Motion made and seconded.]

DELEGATE NAHIKIAN: And I would like to speak to that.

CHAIRPERSON HARRIS: It has been moved and seconded that we strike all of section 9, Boards and Commissions.

DELEGATE NAHIKIAN: Very briefly, with all due respect to the committee -- and I understand that the struggle that the committee went through in trying to come up with or to kind of arrive at some kind of balance of how you address Boards and Commissions, I have moved to strike all of Section 9 because I just think it is not practical to be able to anticipate in the context of the Constitution the need or how you would limit and balance Boards and Commissions.

The best example I can give you is having sat on the Rental Accommodations Commission for five years. In 1965 or 1970, nobody even anticipated a need for a Rental Accommodations Commission because things changed, the world changed, the way the world operated changed and I just think that we should not be in a position of trying to write a section in the Constitution that is as specific as saying that they have to be no longer than four years and about appointment procedure when we in fact cannot anticipate what is likely to happen in the future and that is the basis for my motion to strike the whole section.

CHAIRPERSON HARRIS: Thank you, Delegate Nahikian.

Delegate Schrag.

DELEGATE SCHRAG: I have a question for Delegate Nahikian. Delegate Nahikian, wouldn't the effect of striking the whole section be that Section 8 would limit all of executive and administrative offices and agencies to 20 departments?

And the only way you could have any Boards and Commissions at all is to leave some part, at least, of section 9. And by striking all of section 9, it seems to me that you are doing the opposite of what you intend.

DELEGATE NAHIKIAN: Okay, if you are suggesting that there needs to be an amendment to my substitute to give the Governor the power to appoint Boards and Commissions if necessary, I think that is fine.

The existence of current Boards and Commissions is addressed in the transition article and they will continue until changed and if that is a substitute, I certainly would accept it as a part of the motion.

DELEGATE SCHRAG: It is obvious that you need at least subsection A and the sentence that I understand Delegate Eichhorn is going to propose, providing that Boards and Commissions may be established by law. You need at least those two things to prevent the restriction that you want to avoid.

DELEGATE KAMENY: Yes.

DELEGATE NAHIKIAN: Okay, I would accept that as an amendment. Fine.

CHAIRPERSON HARRIS: So the amendment is -- it is not an amendment --

DELEGATE SCHRAG: No, I was just asking a question.

CHAIRPERSON HARRIS: He did offer an amendment.

Okay, Delegate Graham.

DELEGATE GRAHAM: I think we could take care of this very well if we voted the amendment down that the Delegate has just made. We do need Boards and Commissions and I think this is flexible enough so that if we run into difficulty or the Governor feels that there should be additional ones, there will be an opportunity to do it by law and I hope you will vote this amendment down when it is brought before you.

CHAIRPERSON HARRIS: Is there any other discussion on this motion?

DELEGATE NAHIKIAN: Madam Chair, Madam Chair, after consulting with Delegate Simmons and in light of Delegate Schrag's comments, what I would do is say that I think the amendment that we want to put in order here is a substitute that would leave in place the following language -- and that is, "The Governor shall establish and appoint Boards and

Commissions as deemed necessary and as prescribed by this Constitution." I think that solves the problem.

DELEGATE KAMENY: Appoint the members of.

DELEGATE NAHIKIAN: "The Governor shall establish and appoint the members of Boards and Commission as deemed necessary and prescribed by this Constitution."

CHAIRPERSON HARRIS: So are you withdrawing your previous substitute? And you are offering this?

Because what you are doing is offering a substitute and then an amendment to your substitute.

DELEGATE NAHIKIAN: What I am trying to do, Madam Chair, is to clarify the initial point that I don't think we need to detail but at the same time, accommodate the Committee and have a section here that gives the Governor the power without all the detail. That is what I am trying to do.

CHAIRPERSON HARRIS: Well, what you probably need to do, then, is withdraw your original amendment and then offer a substitute amendment.

Do you understand? What you have to do is --

DELEGATE NAHIKIAN: I will yield -- I would yield the floor to Delegate Schrag and I will withdraw my motion -- my amendment.

CHAIRPERSON HARRIS: Just withdraw it and the

Chairman will take care of that.

DELEGATE NAHIKIAN: Okay.

[The motion is withdrawn.]

CHAIRPERSON HARRIS: Delegate Schrag.

DELEGATE SCHRAG: Madam President, I did not offer an amendment when I asked my question because I did not know whether the committee supported it or not and I am very supportive of this committee and I did not want to offer an amendment that the committee could not support.

But if the committee supports the amendment, then I would suggest that Delegate Nahikian's objectives could be accomplished by substituting for B, C, and D the Eichhorn sentence.

The Eichhorn sentence is --

CHAIRPERSON HARRIS: There is no Eichhorn sentence on the floor.

DELEGATE SCHRAG: The Eichhorn sentence --

CHAIRPERSON HARRIS: Do you want to --

DELEGATE SCHRAG: I am in the middle of a sentence, Madam President. The Eichhorn sentence --

CHAIRPERSON HARRIS: I know, but you are out of order.

DELEGATE SCHRAG: -- is, "Boards and Commissions

may be established by law"and that is a substitute for B, C and D and it would accomplish Delegate Nahikian's objectives, I believe.

SEVERAL VOICES: Second.

DELEGATE SCHRAG: I would so move if it has Delegate Simmons' support.

DELEGATE SIMMONS: Would you repeat that, please?

CHAIRPERSON HARRIS: You mean the committee?

DELEGATE SCHRAG: Yes, if it has the committee's support.

SEVERAL VOICES: Repeat it. Read it.

CHAIRPERSON HARRIS: Okay, what the amendment says now for section 9, Boards and Commissions -- we will leave section A as it is -- and in place of section B, C and D, we insert the words, "Boards and Commissions may be established by law." That has been properly seconded. Delegate Rothschild.

DELEGATE ROTHSCHILD: Could I ask the maker of the motion a question? Phil -- Phil -- Phil --

CHAIRPERSON ROTHSCHILD: Yes. Wait just a moment, Delegate Rothschild. There is to be only one delegate on the floor and that is Delegate Rothschild at this time. It would highly oblige the Chair -- Delegate Corn, when we get ready for your next section, we will call you. Would you mind

finding a seat? Delegate Rothschild, do you mind coming up so she can hear you?

DELEGATE ROTHSCHILD: I would like to ask the maker of the motion a question. "Boards and Commissions may be established by law." Does that mean that the legislature does not necessarily have to approve them and the Governor could just set them up on his own?

SEVERAL VOICES: Answer in the affirmative.

DELEGATE SCHRAG: The Constitution does not require the Governor to set them up. If the legislature wants to establish Boards and Commissions, it may do so but it is not required to have any Boards and Commissions.

DELEGATE ROTHSCHILD: But does that also clarify the point that the Governor, on his own, can set up Boards and Commissions?

MANY VOICES: [Giving opinions.]

CHAIRPERSON HARRIS: One person at a time, please, to respond.

DELEGATE ROTHSCHILD: Okay, let me ask the maker of the motion, would you be agreeable to the phrase, "Shall only be establish by law"? Or "Shall --"

DELEGATE SCHRAG: That is not necessary, Delegate Rothschild because the previous section, which we have already

aopted, says "The Governor may appoint members of Boards and Commissions with the advice and consent of legislature." So the Governor cannot appoint a single member on his own hook. He needs the legislature to do that and he is not going to do it unless the legislature happens to create the position.

CHAIRPERSON HARRIS: Okay. I think that very well answers that question. Is there any more discussion on the motion? Delegate Eichhorn.

CHAIRPERSON EICHHORN: Delegate Maguire just made, I think, a valid point. We might want to add to this and I would propose an amendment to the Schrag Amendment.

Could some language be added, "Unless otherwise provided in this Constitution"? Because if they are constitutionally-established, then --

DELEGATE SCHRAG: I accept that.

DELEGATE SIMMONS and others: Read that again.

CHAIRPERSON HARRIS: Okay, the amendment to the substitute by Delegate Eichhorn is that we add the language, "Unless otherwise provided in the Constitution."

All in favor of the Eichhorn Amendment, let it be known by saying aye.

[There is a loud chorus of ayes.]

All opposed. Abstentions.

[Motion carries unanimously.]

So carried. We are to the Schrag substitute which will replace subsection B, C and D in section 9, which will state, "Boards and Commissions may be established by law."

All in favor.

DELEGATE SCHRAG: "Unless otherwise provided in the Constitution."

DELEGATE EICHHORN: "In this Constitution."

CHAIRPERSON HARRIS: "In this Constitution." All in favor, let it be known by saying aye.

[There is a chorus of ayes.]

All opposed. Abstentions.

[Motion carries unanimously.]

So carried.

Delegate Simmons, do you want to go to the next section?

DELEGATE SIMMONS: I would like to move that section 9 as amended be adopted, Madam President.

[Motion made and there is a second.]

DELEGATE CORN: Point of order, Madam Chair.

CHAIRPERSON HARRIS: Yes, Gloria Corn.

DELEGATE CORN: There are other parts of my minority report that would be in this section, if they were voted up.

CHAIRPERSON HARRIS: If what were voted up? I thought they had voted to defeat all --

VOICE: They did.

DELEGATE CORN: They voted to defeat section B, C and D as it stands and to add a new section B as it was read by Delegate Schrag but I am saying that I have other sections --

SEVERAL VOICES: Point of order. Point of order.

CHAIRPERSON HARRIS: Actually, Delegate Corn, with the body voting to delete B, C and D and adding to A really makes your point moot.

DELEGATE CORN: No.

CHAIRPERSON HARRIS: Yes, it does. Yes, it does.

DELEGATE CORN: I have other sections that are not moot by B, C and D.

CHAIRPERSON HARRIS: Would you please read F, G, H and I. And please stop so you can get a second.

VOICE: Point of order.

CHAIRPERSON HARRIS: Point of order.

DELEGATE CORN: F, G, and H would become moot, that is true, but there are other sections.

CHAIRPERSON HARRIS: F, G and H would become moot.

DELEGATE CORN: Yes.

CHAIRPERSON HARRIS: Okay. Delegate Eichhorn.

DELEGATE EICHHORN: My point of order is that this is handled in the language we adopted which says that this shall be done by law. The salary is handled by law, the --

DELEGATE CORN: I just said that.

CHAIRPERSON HARRIS: Okay, she just said that F, G and H are moot.

DELEGATE CORN: And I.

CHAIRPERSON HARRIS: And I are moot.

DELEGATE SIMMONS: And so is two and three.

VOICE: And so is four.

DELEGATE CORN: No. I bet your pardon. Two might not be and three might not be. I am hoping that it won't be.

CHAIRPERSON HARRIS: Delegate Corn, the Chair is going to rule that two and three are also moot, according to what we just voted on, in terms of Boards and Commissions. If you want to go over to four, we will look at your number four.

DELEGATE CORN: I is moot. I agree that three is moot but two I feel is not moot. I think that is very important.

CHAIRPERSON HARRIS: Let's go to four. We will go on to four.

DELEGATE CORN: Then may I --

CHAIRPERSON HARRIS: Number four.

DELEGATE CORN: May I appeal your ruling on two?

CHAIRPERSON HARRIS: Yes, you may appeal my ruling on two.

DELEGATE CORN: I want to appeal your point of order on number two and the reason --

DELEGATE JORDAN and others: You have got to have a second and it requires a vote.

DELEGATE CORN: A majority vote.

SEVERAL VOICES: Of two-thirds.

CHAIRPERSON HARRIS: Are you actually going to --

VOICE: We disagree.

VOICE: Nobody is going to second it.

CHAIRPERSON HARRIS: All right, there is no second on the appealing of the chair. Okay, may we move to Delegate Corn's number four, page five of six, and make a decision on that, please.

DELEGATE CORN: Okay, on number four, on all Boards and Commissions and even on professional boards wherever possible, the majority party in power shall not have more than a simple majority represented.

Minority party representation shall be included on each Board and Commission. Geographic representation of the state should be considered and the representation on all Boards and Commissions. All members and chairs shall be residents of the state.

CHAIRPERSON HARRIS: Does the next part go with that? Seven and eight?

DELEGATE CORN: Where is this seven and eight? I don't know where you are reading seven and eight.

CHAIRPERSON HARRIS: Oh, I see. That is nothing. Okay. Is there a second for that amendment?

DELEGATE ROTHSCHILD: Second.

[Motion made. Receives one second.]

CHAIRPERSON HARRIS: It has been seconded by Delegate Rothschild. Please, may the Chair ask Delegate Rothschild to come up and speak on the amendment that he just seconded?

DELEGATE EICHHORN: Madam Chair, I have had my hand raised for some time. Point of order. If Delegate Rothschild did not ask to speak, I do not think it is appropriate for you to ask him to. You did not call on me and I had my hand up.

CHAIRPERSON HARRIS: I will call on you but I recognize him first because he had his hand up to second so I just thought it would be appropriate to ask him to speak.

Delegate Rothschild.

DELEGATE ROTHSCHILD: Madam Chair --

CHAIRPERSON HARRIS: Yes.

DELEGATE ROTHSCHILD: At this point, I wish to hear further from the maker of the motion as to the reason --

DELEGATE CORN: The reason is as follows --

VOICE: Let him at least finish his sentence.

DELEGATE CORN: May I respond, Madam Chair?

CHAIRPERSON HARRIS: Give your reason.

DELEGATE CORN: The reasoning behind this is that, let's be realistic. This is a Democratic city and if we become a state it will become a Democratic state. It seems to me that if you can guarantee the Republican Party, which right now is the party in power in the White House and on the Hill, that they will have representation on boards and commissions, you have a better chance of getting this through.

If you do not give them that guarantee, they are going to just feel there is going to be no Republican input whatsoever on the state legislature, on the Boards and Commissions, on the Hill, so why should they give you statehood?

CHAIRPERSON HARRIS: Thank you very much.

Delegate Eichhorn.

DELEGATE EICHHORN: I object to some of the language in Delegate Corn's proposal because I believe it belongs in legislation and I would like to table this.

VOICE: Second.

[Motion made and seconded.]

CHAIRPERSON HARRIS: It has been moved -- what was the reason? I am sorry, I did not hear it.

DELEGATE EICHHORN: I said that I believe this belongs in the legislative section. I move to table this.

CHAIRPERSON HARRIS: It has been moved and properly seconded that subsection four of the minority report [be tabled.] All in favor, let me know by saying aye.

[There is a loud chorus of ayes.]

All opposed.

[There is a louder chorus of nays.]

Abstention. [none] Okay, please discuss subsection four. Delegate Barnes is next.

DELEGATE BARNES: Yes. I would like to move to overrule the Chair's ruling that the minority report is in order. I think that the intent of Schrag Amendment was not anything under the classification in the section under Boards and Commissions or would have been encompassed in this Amendment and I would like to move to overrule the Chair.

VOICE: To appeal.

DELEGATE BARNES: To appeal the ruling of the Chair.

CHAIRPERSON HARRIS: Shall the Chair state as to why? I felt that Delegate Corn should discuss that section of

of her report because it discusses representation which I do not think is covered in the committee's report at this point and that is why I thought we would give her time to discuss it and vote it up or down.

DELEGATE BRUNING: I call for the vote.

CHAIRPERSON HARRIS: Call for the vote.

DELEGATE B. MOORE: Point of order, this is the vote on the appeal against your decision.

CHAIRPERSON HARRIS: Delegate Barnes, did you wish to speak further?

DELEGATE BARNES: No.

ACTING CHAIRPERSON FREEMAN: All those who support the appeal of the Chair. who would move to overrule the Chair, please say aye.

[There is a chorus of ayes.]

All those opposed.

[There is a chorus of nays.]

I think we better have a hand vote on this.

All those who would like to overrule the Chair's ruling, please raise your hand.

VOICE: Point of order. What was the ruling of the Chair?

ACTING CHAIRPERSON FREEMAN: The ruling of the Chair

was that Section 4 of the Corn minority report -- excuse me, Delegates, I was asked to clarify this.

The Chair ruled that section four of the Corn minority report was in order and that ruling was appealed by Delegate Barnes. We are now voting on the appeal. All those who are in favor of -- I'll reverse the question -- of supportin the Chair, please say aye.

[Delegate Corn votes aye.]

Raise your hands, I am sorry.

[The result is, 13 supporting, 11 oppose, 2 abstain. The Chair is supported.]

It takes two-thirds to overrule the Chair, therefore the Chair is sustained.

CHAIRPERSON HARRIS: Delegate Long.

DELEGATE LONG: I move to amend Section four by striking all of the language except the sentence, "minority party representation shall be included on each Board and Commission."

[The motion is made and seconded.]

CHAIRPERSON HARRIS: It has been moved and seconded that subsection four be deleted, all but part of lines 3 and 4 which would read [repeats.] Discussion. Delegate Croft.

DELEGATE CROFT: Point of clarification. What is

a minority party? That is --

DELEGATE CORN: A minority --

CHAIRPERSON HARRIS: Delegate Corn, he did not address you yet.

DELEGATE CROFT: That is an important question, how the term "minority party" is defined and I am asking that of the maker of the amendment. Do you mean public minority party or do you mean other minority parties? And if so, would you rather use the word in the plural, as minority parties?

DELEGATE LONG: You could substitute the words minority parties as a friendly amendment.

CHAIRPERSON HARRIS: Delegate Charles Mason.

DELEGATE CHARLES MASON: [Inaudible owing to conversation on the floor] ....shall be amended to say, "Not all the members of any one Board or Commission shall be members of the same party," because that permits Independents and so forth -- it simply say they shall not all be a member of any one particular party.

[Amendment proposed. There is a second.]

CHAIRPERSON HARRIS: Okay, the amendment on the floor is by Delegate Charles Mason. It is that --

[Several questions raised from the Floor.]

CHAIRPERSON HARRIS: It is an amendment and it has

been seconded. Delegate Charles Mason, will you please repeat that?

DELEGATE CHARLES MASON: [Repeats.]

CHAIRPERSON HARRIS: Okay, the amendment that has been duly seconded now reads [repeats.] Discussion on the motion, please. Eichhorn.

DELEGATE EICHHORN: We should be aware that we are talking about some rather important words and this relates to persons such as the members of the Alcoholic Beverage Control Board, for example in which we are granting one-third membership to a non-major political party. I do not know how many Boards and Commissions that are that important only have three members but I wonder if we should say, "Those with more than three members"? I am not sure if it is fair to restrict the appointments in that manner.

CHAIRPERSON HARRIS: Delegate Jordan.

DELEGATE JORDAN: I rise to speak against the motion. I am the Executive Secretary to a Board and the Board has a membership that is made up of employers and employees. It is rather difficult at this junction to find employers and employees who will serve on the Board.

I think if we now move to say that you have to have minority employers and employees, it is going to make the task

even more difficult so I think that those who are politically wise will not hesitate to put minority representatives on those boards -- minority party representatives on those boards. And I do not think that we need to necessarily encumber it in the Constitution. I mean, encumber the Constitution with this.

CHAIRPERSON HARRIS: Delegate Shelton.

DELEGATE SHELTON: I rise to speak against the motion because I think that the concept of the Governor trying to control the process through cronies and all of this is embraced in this motion. The concept of the commission is to serve a particular purpose with professional or non-professional persons and it is not supposed to be simply political patronage and I think to establish that and really set it forth is something that the delegates have said is not the intention in the previous discussions on this matter so I urge the delegates to vote against this.

CHAIRPERSON HARRIS: All right, we have had two people to speak in opposition to the motion. Are there any people who would like to speak in favor of it?

Delegate Schrag.

DELEGATE SCHRAG: As I have looked at this amendment and though about it over the last several minutes, it has occurred to me that there may be nothing in this entire

Constitution that more enhances the chances of the Congress accepting our Constitution and giving us statehood than this amendment. This amendment is a reflection of the political reality. I think that the members of the Majority Party of the United States Senate right now would regard passage of this amendment and inclusion of it in our Constitution as a reflection of our political maturity and of our understanding of the need for political balance and acceptance of that Majority Party's standing in the country as a whole.

Furthermore, there is a very substantial precedent for this amendment and that is, that in all the Federal Regulatory Agencies, no more than a majority -- no more than a bare majority -- of the members may be of the same political party, such as the F.C.C., the F.T.C., the N.R.C., the C.A.B. --

VOICE: So, that is not a law.

DELEGATE SCHRAG: No, no, it is still the law. It is still the law that no more than three of the five members may be of the same party and we are not going that far. We are saying that on a commission not all the members may be members of the same party so if this amendment is passed and there is a five-member commission, we do not have to have two of them of the minority party. This amendment merely says that they can't all five be of the same party.

One of the members -- if the rest were Democrats, one of the members would have to be a member of the Republican Party or the Statehood Party or some other political party in the District. I mean, in the state. So I, both on grounds of precedent and most importantly, on the grounds of getting our Constitution accepted by the Congress as a Constitution that takes a bow in the direction of the Majority Party in the United States Senate right now and the Minority Party in the House of Representatives, I urge you to vote for this amendment.

CHAIRPERSON HARRIS: Are there any other persons who would like to speak for the amendment?

Delegate Simmons.

DELEGATE SIMMONS: There is not any question in my mind that I think it is a sober and appropriate thing to do and I think that I -- I can't believe that any Governor or any legislature who was sophisticated enough to be elected in either capacity would not insist that this in fact occur.

The question is, does it have to be written in the Constitution? The question is, can't the letter and the intent of this accompanying legislative history for the Constitution be made very clear? I do not know of any Constitution that has that written into it. I am talking about a State Constitution. Because, while I embrace this concept and will

indeed be part of -- in every way I can -- of seeing that it obtains, I could not find it in a Constitution and it was for that reason that I did not think we ought to be different in that kind of what-seems-to-be a supine way.

CHAIRPERSON HARRIS: Thank you, Delegate Simmons.

Delegate Long, you can start up near the front.

Delegate Mason.

DELEGATE HILDA MASON: Thank you, Madam Chair, and members of the Delegation. I rise to associate myself with the remarks of Delegate Schrag.

If you will recall, one of the strong points that helped us get Home Rule was the provision which forbids having two members in the same party run for the at-large seat in the same year and that was to make sure that the at-large seats would not be filled by all members of the Democratic Party.

I would like to point out also that the mere fact that we vote it down, if we do vote it down -- the mere fact that we vote it down will be interpreted by the people on the Hill that we did not want it and I think we have to remember that we are trying to persuade them to support what we are doing and I think it would be very politic to vote in favor of it. So I speak in favor of the motion. Thank you very much.

CHAIRPERSON HARRIS: Delegate Long.

DELEGATE LONG: I am a member of the Legislature Committee. We are recommending that the elections of the Legislature be on a District basis. This would eliminate representation of minority parties except that they could capture one of the legislative districts.

This means that it is going to put at least one party in some jeopardy as to representation anywhere in elected position. By passing this amendment, which recognizes minority parties in the District, we will continue some official recognition of the existence of those parties.

I think that is one important point. And the other is a rather pragmatic approach to the passage of the Constitution in the Congress of the United States. It is only fair that we try to keep the existing parties recognized and active and I think it will appeal to the Congress if we keep this amendment recognizing minority parties.

CHAIRPERSON HARRIS: Fellow Delegates, we have entertained three for and three against and I think we ought to vote at this point. The amendment before us is by Delegate Long which says "Not all members of any Board or Commission shall be members of the same political party."

DELEGATE COATES: I have been asking to be recognized, Madam Chair.

CHAIRPERSON HARRIS: We have exhausted --

DELEGATE COATES: I am asking to be recognized.

CHAIRPERSON HARRIS: We have heard from three for and three against, Delegate Coates.

DELEGATE COATES: I know. But there is nothing about the rules that say that if three have spoken for and three against it, we have to vote. The question has not been called.

CHAIRPERSON HARRIS: We will take the next two people on the list and that will be the end of the discussion.

[Delegates Shelton, Nahikian and Eichhorn also are demanding to be heard.]

DELEGATE COATES: I have something to be said that has not been said yet.

[Many voices, demanding to be recognized.]

DELEGATE COATES: Wait a minute, whoa, whoa, who, Madam Chair, didn't you recognize me?

DELEGATE NAHIKIAN: [Partially overridden by others]. .....is because minority parties exist at the will of the people. If the people want to support minority parties, they become majority parties and we do not have to recognize in our Constitution minority parties.

We are then taking that power away from people and it is people who make minority parties majority parties so I speak against the motion.

CHAIRPERSON HARRIS: Mr. Thomas, would you like to address that? What I am concerned about is that we are getting up talking and speaking against and for the amendment and saying the same things in a different kind of way and I don't want to sit here all night and do that on one amendment because we can do that but I think we can move along and vote.

Mr. Thomas, may we hear from you?

MR. THOMAS: The first legal report done on this article was done by the distinguished firm of Sidley and Alston which advised against political parties in constitutions. I would join in that suggestion. It is not traditional. It is not in any other state constitution nor is any mention in the Federal Constitution as per legal reasons for not doing so.

I cannot name a specific legal reason other than to refer to the comments of Delegate Jordan that it could restrict the powers that be even more in selecting one for a particular board or commission.

CHAIRPERSON HARRIS: Thank you, Mr. Thomas.

SEVERAL VOICES: Demand to be recognized.

VOICE: I call the question.

SEVERAL VOICES: Demand to be recognized.

CHAIRPERSON HARRIS: The question has been called for --

SEVERAL VOICES: Demand to be recognized.

CHAIRPERSON HARRIS: But the question has been called for and that takes precedence.

VOICE: Who called the question?

CHAIRPERSON HARRIS: Delegate Graham called the question.

VOICE: Second.

[The question is called. There is a second.]

DELEGATE EICHHORN: You did not recognize Delegate Graham.

CHAIRPERSON HARRIS: No but I recognized that the question was called and that does take precedence.

SEVERAL VOICES: That is out of order.

DELEGATE EICHHORN: That is not an appropriate or proper way to proceed.

CHAIRPERSON HARRIS: I think it is. We have heard four for and four against and discussion by legal counsel. I don't know what else we could want, other than to vote for the amendment and I would like to move --

DELEGATE EICHHORN: I offer an alternative.

SEVERAL VOICES: Point of order, Madam Chair.

CHAIRPERSON HARRIS: I am getting ready for the vote on the amendment. All in favor of Delegate Long's

amendment --

MANY VOICES: Point of order. Point of order.

CHAIRPERSON HARRIS: All in favor --

DELEGATE COATES: You recognized me and then did not permit me to speak.

CHAIRPERSON HARRIS: All in favor of the amendment, let it be known by saying aye.

[There is a chorus of ayes together with many voices saying point of order.]

DELEGATE CORN: You have to have a vote to close debate.

CHAIRPERSON HARRIS: All in favor of closing debate, let it be known by raising your hands.

[In this vote, 12 vote to close debate, 15 are opposed. Motion loses.]

Okay, Delegate Eichhorn.

DELEGATE EICHHORN: Madam Chair, I would like to offer a substitute that all members of Boards and Commissions shall be appointed on a non-partisan basis. I think that that is in keeping with the --

CHAIRPERSON HARRIS: Is there a second for the motion?

[The motion is made and seconded.]

DELEGATE EICHHORN: That is in keeping with the view that there should be representation for more than one party. It does not prohibit appointments in the manner that the original motion does. It is in keeping with the legal counsel's comments that political parties should not be mentioned

CHAIRPERSON HARRIS: The amendment that has been offered by Delegate Eichhorn and duly seconded states that "All members of Boards and Commissions shall be appointed on a non-partisan basis." I will go down the list. Delegate Shelton is next.

DELEGATE SHELTON: I think I will yield to Delegate Coates because he had the floor earlier and wasn't allowed to speak. Then I yield to Delegate Graham.

CHAIRPERSON HARRIS: Delegate Coates is next.

DELEGATE COATES: I appreciate the courtesy of the Chair. My comment was exactly that of Delegate Nahikian and I need not take your time to repeat it now.

CHAIRPERSON HARRIS: Delegate Graham.

DELEGATE GRAHAM: Thank you, Madam Chair. I would like to say that I am still thinking in the same terms that I was thinking [in] before, that we should not refer to any partisan -- I think our attorney mentioned that a few minutes ago.

We are trying to make this Constitution as general

as possible and not in details. When we mention partisan/non-partisan or the minority party or majority party, then we are bringing in details.

I would like to see us move along and leave section A and section B I believe that we have, as they have been and adopt Section A and Section B and go on to the next sections, please.

CHAIRPERSON HARRIS: Delegate Corn.

DELEGATE CORN: I would like to speak against the Eichhorn Amendment and the Long Amendment too. The purpose of my original motion, number four of the minority report, was in conjunction with testimony received by Robert Carter, Chair of the D.C. Republican Party in front of the Executive Branch Committee.

Bob Carter specifically said that a lot of members of Congress were looking to him for guidance on this issue of whether or not to give us statehood and he would reserve all comments and all decisions until he had seen the final document.

One of the issues he spoke to very strongly was the desire to see minority party representation on all boards and commissions whereby the majority party in power had no more than a simple majority on those boards and commissions.

VOICE: No, that is not what he said.

DELEGATE CORN: He said 50 percent but obviously, if ther are seven members or five members or nine, it can't be more than a simple majority. Therefore, in conjunction with that and other comments I have heard in the numerous Republican Circles, I can assure you that your decision on my original motion may very well spell the death or life of statehood.

Thank you.

CHAIRPERSON HARRIS: Delegate Jackson, please.

SEVERAL VOICES: [Inaudible.]

CHAIRPERSON HARRIS: I think sometimes you need not respond to statements. I think we need to pass on. Delegate Jackson.

[DELEGATE JACKSON: overridden by voices.]

CHAIRPERSON HARRIS: I cannot hear Delegate Jackson.

DELEGATE JACKSON: Are we still on the Eichhorn Amendment?

CHAIRPERSON HARRIS: Yes, we are.

DELEGATE JACKSON: Well, first of all, I do not see how anybody is going to be able to figure out whether an election is partisan or non-partisan. It is impossible, you know, and I think that we can't play parliamentary or other maneuvers to try to get around that basis.

It si no way for me to tell whether Governor Harris

or Barry or whoever is nomintating someone to office based on a political party. They will say, "I made a non-partisan nomination."

I might add though, on the subject of minority party participation, that minority party participation has been clear to us in the Constitution up until now and that is how we got where we are today. I don't think that worrying about how some people are going to get their jobs is the kind of thing we ought to put in the Constitution.

[Applause.]

DELEGATE LONG: I move the previous question.

CHAIRPERSON HARRIS: The previous question has been moved.

[The previous question is moved. There is a second.]

CHAIRPERSON HARRIS: All in favor of cutting off debate, let it be known by saying aye.

[There is a chorus of ayes.]

All opposed.

[No opposition. Passes unanimously.]

Delegate Eichhorn's Amendment, which states, "All members of Boards and Commissions shall be appointed on a non-partisan basis."

All in favor, let it be known by saying aye.

[In a voice vote, the amendment loses.]

CHAIRPERSON HARRIS: The amendment is defeated. We move back to Delegate Long's Amendment that states, "Not all members of any Board or Commission shall be members of the same political parties." All in favor, let it be known by saying aye.

[In a voice vote, the amendment is passed.]

CHAIRPERSON HARRIS: Carried.

Back to --

SEVERAL VOICES: What did we just vote on?

CHAIRPERSON HARRIS: That was an amendment. I said Delegate Long's Amendment.

DELEGATE EICHHORN: Can we take the vote over again? Some people got confused as to what we were supposed to be voting on.

SEVERAL VOICES: Roll call. Roll call vote.

CHAIRPERSON HARRIS: We were voting -- it is difficult when many conversations are going on for anyone to know what is going on. It is hard from up here. It might be easier from out there.

Okay, now, we are voting on Delegate Long's amendment

[Several persons call for roll call vote, others argue it wastes time.]

CHAIRPERSON HARRIS: We don't need to vote again on Delegate Long's amendment. I announced it twice. And it was carried. It stated, "Not all members of any Board and Commission shall be members of the same political party."

DELEGATE CORN: Point of order, Madam Chair.

CHAIRPERSON HARRIS: Now, let's move to Delegate Corn's minority report.

DELEGATE CORN: Point of order, Madam Chair.

CHAIRPERSON HARRIS: Will you wait?

Delegate Long's amendment deleted Delegate Corn's subsection four of the minority report.

[General agreement is expressed.]

CHAIRPERSON HARRIS: So at this point, thank you, Delegate Corn, we are back to Delegate Simmons' section 9 --

VOICE: Now you are talking.

CHAIRPERSON HARRIS: -- for full approval, I think. Is that right? [Raps gavel for order.]

DELEGATE SIMMONS: I move the adoption of section 9, Boards and Commissions as amended, Madam President.

[Motion made. There are several seconds.]

CHAIRPERSON HARRIS: It has been moved and seconded that we vote on section 9 as amended. All in favor, let it be known by raising your hands.

I'll change that, let it be known by saying aye.

[In a voice voice, motion carries unanimously.]

CHAIRPERSON HARRIS: So carried.

Our Secretary is tired.

SECRETARY COOPER: Madam Chair, I move for a 10-minute recess.

[Motion made and seconded.]

CHAIRPERSON HARRIS: It has been moved and seconded that -- can we say five minutes?

SECRETARY COOPER: Yes.

CHAIRPERSON HARRIS: That we will have a five-minute recess after which we will come back and finish the rest of this report, which is only two pages.

[Brief recess.]

CHAIRPERSON HARRIS: We are now back in session.

Delegate Simmons.

DELEGATE SIMMONS: Appointments subject to the advice and consent of the legislature require a majority vote of those elected and serving in the legislature.

VOICE: Second.

CHAIRPERSON HARRIS: Are you deleting something?

DELEGATE SIMMONS: Yes, I am.

SEVERAL VOICES: Please read it again.

We don't have a quorum.

DELEGATE SIMMONS: Appointments subject to the advice and consent of the legislature require a majority vote. That is where I want, I think, a period.

CHAIRPERSON HARRIS: Everything else is being deleted. Am I right?

DELEGATE SIMMONS: I am deleting all additional --

DELEGATE CORN: Point of order. Point of order.

CHAIRPERSON HARRIS: Please, Delegate Corn. Let her read it.

DELEGATE SIMMONS: This includes the definition of advice and consent to appointments.

DELEGATE CORN: Could you read it again?

CHAIRPERSON HARRIS: Could we have some quiet.

Question by Delegate Cooper here, please.

SECRETARY COOPER: Delegate Simmons, are you amending this section, then? Or is that a kind of an editing change?

DELEGATE SIMMONS: It is an editing change.

SECRETARY COOPER: Because the other day, when you read this whole report, you read that entire section.

DELEGATE SIMMONS: That's right, I read that whole section.

SECRETARY COOPER: Now you are saying that the section really only consists of only that part. I am not clear